

**ORDINANCE NO. 4
SERIES 2007**

AN ORDINANCE VACATING PORTIONS OF THE NORTH-SOUTH ALLEY AND THE EAST-WEST ALLEY LOCATED IN BLOCK 112, ACCORDING TO THE OFFICIAL AMENDED PLAT OF TOWN OF WEST GUNNISON, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO; AND DISCLAIMING ANY INTEREST THAT THE CITY OF GUNNISON MAY HAVE IN THE EASEMENTS ORIGINALLY GRANTED TO THE GUNNISON GAS AND WATER COMPANY FOR A WATER WORKS SYSTEM IN INSTRUMENTS RECORDED IN BOOK 41 AT PAGES 317 AND 325 OF THE RECORDS OF THE GUNNISON COUNTY CLERK AND RECORDER INsofar AS SAID EASEMENTS MAY AFFECT THE REAL PROPERTY DESCRIBED AS LOTS 13 THROUGH 19, BOTH INCLUSIVE, BLOCK 112, ACCORDING TO THE OFFICIAL AMENDED PLAT OF TOWN OF WEST GUNNISON, AND THE ALLEYS LOCATED ADJACENT THERETO, CITY OF GUNNISON, COUNTY OF GUNNISON, STATE OF COLORADO.

WHEREAS, the applicant, Tomichi Group, LLC, submitted an application for vacating public property dated September 26, 2006, requesting the City of Gunnison to vacate portions of the alleys which are adjacent to Lots 13 through 19, both inclusive, Block 112, according to the official amended plat of Town of West Gunnison, City of Gunnison, together with any interest that the City of Gunnison may have in easements previously granted to the Gunnison Gas and Water Company insofar as they may be granted in said property; and

WHEREAS, the alleys proposed to be vacated have never been developed, never been used as public thoroughfares, and have never been opened for public use; and

WHEREAS, the City of Gunnison Public Works Department does not utilize said easements for any public utility improvements; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison held a public hearing upon the proposed vacation on October 25, 2006, and has made a recommendation to the City Council that the City Council proceed with the requested alley vacation, and disclaim any rights in said easements;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, ORDAINS THAT:

Section 1. Findings of Fact. Based upon the application for alley vacation, the supporting materials submitted therewith, and the evidence adduced at the public hearing conducted by the Planning Commission of the City of Gunnison, the City Council hereby finds as follows:

- a. That the applicant, Tomichi Group, LLC, is the owner of Lots 13 through 19, both inclusive, Block 112, together with the west one-half of 6th Street adjacent to said Lots 13 through 19, according to the official amended plat of Town of West Gunnison, the property which is adjacent to the alleys requested to be vacated, and across which easements traverse.
- b. That portions of the alleys sought to be vacated have been previously vacated by the City Council of the City of Gunnison pursuant to Ordinance No. 9, Series 1986.
- c. That the Public Works Department of the City of Gunnison does not utilize the portion of the easements described herein for utility purposes.

d. That George Sibley and Perry Anderson appeared at the public hearing and questioned why the City would vacate any rights-of-way, especially in light of the fact that the City is in the process of developing master plans for the portion of the City of Gunnison in which the property sought to be vacated is located.

e. That no properties would be denied access by the proposed alley vacation.

f. That the Building Official, Fire Marshal, Chief of Police, and Department of Public Works, have no objection to the proposed alley vacation and disclaimer of easements.

g. That the proposed vacation does not conflict with the 2000 City of Gunnison Transportation Master Plan.

Section 2. Vacation. The portions of the alleys which are vacated by this ordinance are described as: The south one-half of the east-west alley located in Block 112, according to the amended plat of Town of West Gunnison, between the centerline of the north-south alley located in said Block 112 on the west and the centerline of 6th Street adjacent to said Block 112 on the east, together with the east one-half of the north-south alley located in said Block 112 between the north line of Tomichi Avenue and the centerline of the east-west alley in said Block 112, County of Gunnison, State of Colorado.

Section 3. Disclaimer of Interest in Easements. The City of Gunnison hereby disclaims any further interest in and to those certain easements granted to Gunnison Gas and Water Company as contained in instruments recorded in Book 41 at pages 317 and 325 insofar as said easements may affect the real property described as Lots 13 through 19, both inclusive, Block 112, together with the alleys adjacent thereto, according to the official amended plat of Town of West Gunnison, County of Gunnison, State of Colorado.

Section 4. Title. The title to such vacated alleys shall vest in accordance with the provisions of C.R.S. 43-2-302.

INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED this 23rd day of January, 2007, on first reading, introduced, read, and adopted on second and final reading this ____th day of _____, 2007.

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Mayor

(SEAL)

ATTEST:

City Clerk